



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**TRANSMITTAL  
FORM**

*(to be used for all correspondence after initial filing)*

		Application Number	10/666,237
		Filing Date	September 18, 2003
		First Named Inventor	Mark R. Miskin
		Group Art Unit	3671
		Examiner Name	Novosad, Christopher J.
Total Number of Pages in This Submission (including this sheet)	9	Attorney Docket No.	3090-5854US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Extension of Time Request _____ month	<input type="checkbox"/> Maintenance Fee Transmittal _____ year
<input type="checkbox"/> Appeal Communication: <input type="checkbox"/> Appeal Notice <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief	<input type="checkbox"/> Fee Calculation Table <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form 1449 <input type="checkbox"/> Copies of IDS References	<input type="checkbox"/> Missing Parts Response <input type="checkbox"/> Notification of Change of Attorney Address & Docket Number <input checked="" type="checkbox"/> Return Postcard <input type="checkbox"/> Revocation & Power of Attorney <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Other: Request for Reconsideration of Notice of Abandonment
<input type="checkbox"/> Assignment with Cover Sheet <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Check in the amount of \$_____ <input type="checkbox"/> Credit card authorization in the amount of \$_____ <input type="checkbox"/> Declaration & Power of Attorney <input type="checkbox"/> Drawings ____ sheets <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<b>Remarks</b>	

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Attorney for Applicant	Bretton L. Crockett, Registration No. 44,632 MORRISS O'BRYANT COMPAGNI, P.C. 136 South Main Street, Suite 700 Salt Lake City, Utah 84101 (801) 478-0071 telephone; (801) 478-0076 facsimile		
------------------------	---	--	--

Signature		Date	3/30/06
-----------	--	------	---------

**CERTIFICATE OF MAILING UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the date indicated below, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or Printed Name	Bretton L. Crockett		
Signature		Date	3/30/06



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Mark R. Miskin  
SERIAL NO.: 10/666,237  
FILING DATE: September 18, 2003  
TITLE: SYSTEMS AND METHODS FOR  
CONTROLLING THE REMOVAL  
OF SOIL FROM AN EARTH  
MOVING SCRAPER  
ART UNIT: 3671  
EXAMINER: Christopher J. Novosad  
DOCKET NO.: 3090-5854US

**CERTIFICATE OF MAILING  
UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Bretton L. Crockett

3/30/06  
Date of Deposit

**REQUEST FOR RECONSIDERATION OF NOTICE OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP § 711, Applicant requests the Notice of Abandonment mailed March 23, 2006 be withdrawn and the case advanced for examination for the reasons set forth below.

The Notice of Abandonment, mailed March 23, 2006, sets forth that the application is abandoned in view of Applicant's failure to timely file a proper reply to the Office letter mailed June 24, 2005, as no reply to such Office letter has been received by the Office. The Office Action mailed June 24, 2005 required Applicant to identify the claims which read on Species I, already elected in Applicant's earlier filed Response to Restriction Requirement, and, required a response be provided within one month.

On July 22, 2005, Applicant filed a Communication with the Office identifying the claims which read on elected Species I. This Communication was received by the Office on July 26, 2005 as evidenced by the Image File Wrapper Table of Contents printed from the PAIR system on March 30, 2005, and attached hereto as Exhibit 1. An

Commissioner for Patents  
March 30, 2006  
Page 2

as-filed copy of the Communication printed from the PAIR system is attached hereto as Exhibit 2.

As a proper response to the Office Letter was timely filed, it is requested the Notice of Abandonment be withdrawn and the case be advanced for examination. Should the Office determine that additional issues remain which might be resolved by a telephone conference, the Office is respectfully invited to contact Applicant's undersigned attorney.

Respectfully Submitted,



Bretton L. Crockett  
Reg. No. 44,632  
Morriss O'Bryant Compagni  
136 South Main Street, Suite 700  
Salt Lake City, Utah 84101  
Telephone (801) 478-0071  
Facsimile (801) 478-0076



Printer Friendly

10/666,237

Systems and methods for controlling the removal of soil from an earth moving scraper

## Image File Wrapper

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click StartDownload.

Mail Room Date	Document Description	Page Count
03-23-2006	Abandonment	2
03-23-2006	Bibliographic Data Sheet	1
07-26-2005	Miscellaneous Incoming Letter	2
06-24-2005	Miscellaneous Action with SSP	2
06-24-2005	Bibliographic Data Sheet	1
04-18-2005	Response to Election / Restriction Filed	1
04-18-2005	Applicant Arguments/Remarks Made in an Amendment	2
03-15-2005	Requirement for Restriction/Election	14
03-15-2005	Bibliographic Data Sheet	1
12-23-2004	Miscellaneous Incoming Letter	3
11-15-2004	Information Disclosure Statement (IDS) Filed	5
11-15-2004	NPL Documents	7
02-02-2004	Oath or Declaration filed	3
02-02-2004	Drawings	12
12-15-2003	Pre-Exam Formalities Notice	2
09-18-2003	Transmittal letter	2
09-18-2003	Specification	20
09-18-2003	Claims	7
09-18-2003	Abstract	1
09-18-2003	Drawings	14
09-18-2003	Oath or Declaration filed	3
09-18-2003	Preliminary Amendment	1
09-18-2003	Claims	8
09-18-2003	Applicant Arguments/Remarks Made in an Amendment	1
09-18-2003	Information Disclosure Statement (IDS) Filed	4

09-18-2003	Fee Worksheet (PTO-875)	1
09-18-2003	Fee Worksheet (PTO-875)	1

[Close Window](#)



1/2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark Miskin

Serial No.: 10/666,237

Filed: September 18, 2003

For: SYSTEMS AND METHODS FOR  
CONTROLLING THE REMOVAL OF SOIL  
FROM AN EARTH MOVING SCRAPER

Confirmation No.: 8481

Examiner: C. Novosad

Group Art Unit: 3671

Attorney Docket No.: 3090-5854US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 22, 2005  
Date



Betty Vowles  
Name (Type/Print)

COMMUNICATION

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office communication mailed on June 24, 2005, the initial period for response to which expires on July 25, 2005.

BEST AVAILABLE COPY



Serial No. 10/666,237

**REMARKS**

The Office Communication mailed June 24, 2005 has been received and reviewed. In the Communication, it was noted that the Response to Restriction Requirement filed April 15, 2005 (incorrectly stated as April 18, 2005 in the Communication) did not identify the claims which read on elected Species I. Identification of such claims is required. Accordingly, applicant identifies claims 9 through 16 and 19 through 23 as the claims of elected Group II that fall within Species I.

In view of the foregoing, it is respectfully requested that each of claims 1 through 24 be considered on the merits.

Respectfully submitted,

Bretton L. Crockett  
Registration No. 44,632  
Attorney for Applicant  
TRASKBRITT  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: July 22, 2005  
BLC